

Panaji, 23rd January, 2003 (Magha 3, 1924)

SERIES II No. 43



OFFICIAL GAZETTE

GOVERNMENT OF GOA

Note:- There is One Extraordinary issue to the Official Gazette, Series II, No. 42 dated 16-1-2003 as follows:-

Extraordinary dated 16-1-2003 from pages 991 to 992 regarding Notifications from Departments of Co-operation (Office of the Collector, North Goa District), Revenue, Social Welfare (Directorate of Women & Child Development) and Urban Development.

GOVERNMENT OF GOA

Department of Agriculture

Directorate of Agriculture

Notification

No. 3/201/SCD/D.Agro/2002-03/650

The Government of Goa is pleased to constitute a State Level High Power Committee to monitor the schemes of desilting of lakes/ponds and repairs/remodelling of khazan land embankments with immediate effect as follows:

| | |
|----------------------------------|--------------------------|
| 1. Minister for Agriculture | ... Chairman |
| 2. Minister for Water Resources | ... Member |
| 3. Development Commissioner | ... Member |
| 4. Superintending Engineer (WRD) | ... Member |
| 5. Two Experts | ... Member |
| 6. Executive Engineer (S.C.D.) | ... Member |
| 7. Director of Agriculture | ... Member Secretary. |

2. the powers, functions and responsibilities of the Committee will be as follows:-

- i) To formulate and review scheme guidelines for implementation of schemes of desilting of lakes/ponds and embankments protecting khazan agricultural lands.
- ii) To formulate action plan of desilting of lakes/ponds and repairs/remodelling of embankments.
- iii) To examine proposals for desilting of lakes/ponds and repairs/remodelling of embankments i.e. feasibility, estimates, mode of execution etc.

- iv) To decide priority works for execution.
- v) To select consulting agencies from among the approved list of consultants with PWD/WRD/GSIDC, for technical guidance, inspection and auditing.
- vi) To assess the financial requirements for implementation of the schemes and for making budget provision.
- vii) To decide the infrastructure requirements including manpower for implementation of the schemes.
- viii) To appoint sub-committees to go into details of any particular problem or matter which may be considered necessary for the functioning of the committee.
- ix) To call information from any Government Department to undertake inspection/visits pertaining to the schemes.
- x) To call any Government officer as a special invitee for the meeting if necessary.
- xi) To advise the Government on certain amendments to the existing acts and rules if necessary.
- xii) The committee shall meet at least once in a month to review progress of implementation of the scheme.
3. The two expert members will be appointed by the Government.
4. The non-official members will be paid sitting fee of Rs. 400/- per day for attending the meetings and any other work specifically assigned by the committee.
5. The Accounts officer, Directorate of Agriculture, shall be Drawing and Disbursing Officer for the purpose of the Committee and will be responsible for timely defray of all expenses and T.A. etc. of the Non Officials.

By order and in the name of the Governor of Goa.

W. M. Khade, Director of Agriculture & Ex-Officio Joint Secretary.

Panaji, 13th January, 2003.

Department of Co-operation

Office of the Registrar of Co-operative Societies

Order

No. 2/11/00-TS/LQD/2002

Read:- 1. Audit Report for the year 1999-2000 and from 2000-2001.

2. Letter dated 21-1-2002 from the Chairman of the Bandodkar Mine Workers Cons. Co-op. Society Ltd., Velguem, Bicholim-Goa, requesting to wind up the affairs of the society.

3. This office Interim order No. 2/11/00-TS/LQD/2002 dated 21st March, 2002 whereunder the society was called upon to submit the explanation, if any as to why the affairs of the society should not be wound up.

In virtue of powers vested in me under Section 102(i) of the Maharashtra Co-op. Societies Act, 1960 as applied to the State of Goa, read with Rule 84 of Co-operative Societies Rules, 1962, the above mentioned society was called upon to submit its explanation as to why the society be not taken into Liquidation within one month from the date of issue of Interim order mentioned at Sr. No. 3 above. However, no reply has been received from the society and I am satisfied that there is no objection to the society being taken into liquidation. Hence I, Ronnie Dias, Asstt. Registrar of Co-op. Societies, North Zone, Mapusa-Goa hereby confirm the aforesaid order in terms of section 102(i) of the Maharashtra Co-operative Societies Act, 1960 as applied to the State of Goa.

Further, in exercise of the powers vested in me under section 103(i) of the Maharashtra Co-operative Societies Act, 1960 as applied to the State of Goa, read with Rule 86(1) of the Co-operative Societies Rules, 1962, I appoint Shri D. J. Pangam, Jr. Auditor, Co-op. Societies, North Zone, Mapusa as liquidator of the Bandodkar Mine Workers Cons. Co-op. Society Ltd., Velguem, Bicholim-Goa.

Ronnie Dias, Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 7th May, 2002.

Order

No. 15-99-88-ADT/RCS

Read:- 1) Letter dated 12-6-2002 from B. A. Banaulikar, Bandirwada, Asonora, Bardez- Goa.

2) Letter dated 21-6-2002 from Miss Preeti Mahatme, Chartered Accountants, Vasco for deletion of her name from the panel of Certified Auditors of Housing Societies.

The names of Miss Roshan Ravindra Banaulikar and Miss Preeti Pradip Mahatme, Chartered Accountants appearing at Sr. Nos. 35 and 42 of the Panel of Certified Auditors constituted vide this office Addendum No. 15-99-88-ADT-RCS dated 2nd May, 2002 stands deleted with immediate effect.

P. K. Patidar, Registrar of Co-op. Societies.

Panaji, 8th July, 2002.

Order

No. 19/12/96/YUCCS/TS/RCS

Read:- 1) Order No. 19-12-96/YUCCS/TS/RCS dated 13-7-2001 and 11-8-2001.

2) Letter No. 24-202-96/ARSZ/Credit/2138 dated 5-7-2002 from Asstt. Registrar of Co-op. Societies, South Zone, Margao.

By virtue of the powers vested in me under Section 78 of the Maharashtra Co-operative Societies Act, 1960 as in force in this state read with Rule 61 of the Co-op. Societies Rules, 1962, I, P. K. Patidar, Registrar of Co-op. Societies, Government of Goa hereby extend the period of Committee of Administrator of the Yeshranji Urban Co-op. Credit Society Ltd., Margao, appointed vide order referred to above for further period of six months from 16-7-2002 to 15-1-2003.

P. K. Patidar, Registrar of Co-op. Societies.

Panaji, 23rd July, 2002.

Order

No. 1-2001-TS-12-RCS

Read:- 1) This Office Order of even number dated 30-4-2001.

2) This Office Order of even number dated 23-11-2001.

3) Letter No. 13/8/71/Vishal-HSG/ARCS/CZ dated 8th July, 2002 from Asstt. Registrar of Co-op. Societies, Central Zone, Panaji.

4) Letter No. 7919/1-9/2002-03 dated 9-7-2002 from the Goa State Co-op. Housing Finance and Federation Ltd., Panaji.

By virtue of powers vested in me under sub-section (1) of Section 78 of the Maharashtra Co-op. Societies Act, 1960 as in force in the State of Goa, read with sub-rule (1) of Rule 61 of the Co-op. Societies Rules, 1962, I, P. K. Patidar, Registrar of Co-op. Societies, Goa, hereby extend the period of Administrator of Vishal Co-op. Housing Society Ltd., St. Inez, Panaji-Goa, for a further period of 3 months w.e.f. 25th May, 2002. The Administrator shall take necessary steps to hold the election to the Managing Committee of the Society to facilitate the handing over the charge of the Society to the elected Managing Committee before expiry of the term of the Administrator.

P. K. Patidar, Registrar of Co-op. Societies.

Panaji, 16th July, 2002.

Department of Election

Goa State Election Commission

Notification

No. 3/42/2001-SEC/278

In exercise of the powers conferred on me vide Rule 5 of the Goa Panchayats and Zilla Panchayat (Election Procedure) Rules, 1996, I, Shri Prabhakar Timble, Commissioner of the Goa State Election Commission, hereby notify that the electoral rolls of the Goa Legislative Assembly prepared under the provisions of the Representation of Peoples Act, 1950 (Central Act 43 of 1951) and for the time being in force as on 1st January, 2003, as the qualifying date shall be divided into different ward/wards of the Village Panchayats contemplated under sub-section (1) of Section 3 of the Goa Panchayat Raj Act, 1994 for the purpose of ensuing Bye-elections of Pale-Cothambi in Bicholim Taluka and Morpirla in Quepem Taluka, constituted vide Notification No. 19/19-DP-PAN/Notification/96 dated 14-11-1996 of the Directorate of Panchayats, Government of Goa, Panaji.

Prabhakar Timble, Commissioner, State Election Commission.

Panaji, 14th January, 2003.

Notification

No. 3/42/2001-SEC/279

In exercise of the powers vested in me under Rule 2(e) of the Goa Panchayat (Election Procedure) Rules, 1996, I, Shri Prabhakar Timble, Commissioner of the Goa State Election Commission, Panaji, hereby appoint the Mamlatdars of the Talukas as the Returning Officers within their concerned jurisdiction for the ensuing Bye-elections to the vacant seats in Ward No. IX of the Village Panchayat of Pale-Cothambi in Bicholim Taluka and Ward No. IV of the Village Panchayat of Morpirla in Quepem Taluka.

Further, in exercise of the powers under the said Rule 2 (e), I, Shri Prabhakar Timble, Commissioner, appoint the Aval Karkuns/Head Clerk/Tax Inspectors/ U.D.Cs. of the concerned Offices of Mamlatdars, as the Assistant Returning Officers for the said election.

Prabhakar Timble, Commissioner, State Election Commission.

Panaji, 14th January, 2003.

Department of Finance

Directorate of Accounts

Order

No. DA/Admn/45-6/2002-03/TR-3033/154

The Government is pleased to order the transfer and posting of the following Asstt. Account Officers of the Common Accounts Cadre as shown below with immediate effect.

| Sr. No. | Name of the Officer | Office to which attached | Office to which transferred |
|---------|------------------------------|--|--|
| 1. | Shri Minguel D. S. Fernandes | Dte. of State Lotteries, Panaji, Goa. | O/o The Supdt. of Police, North Goa, Porvorim, Bardez-Goa. |
| 2. | Shri Vishnu D. Naik | O/o The Supdt. of Police, North Goa, Porvorim, Bardez-Goa. | Dte. of State Lotteries, Panaji, Goa. |

The Officer at Sr. No. 1 should move first to enable him to join and relieve the other officer immediately to give effect to the transfer smoothly.

On joining their new assignments, the Officers shall send C.T.C./Joining Report to this Directorate immediately for records.

By order and in the name of the Governor of Goa.

Norbert Moraes, Director of Accounts & Ex-Officio Joint Secretary.

Panaji, 10th January, 2003.

◆◆◆
Department of Housing

Goa Construction, Housing & Finance Corporation Ltd.

ANNEXURE 'A'

No. GCHFC/EST/489/HSG

To,

1. Shri Anthony F. D'Souza, Manager (Accounts).
2. Shri Godfrey Machado, Jr. Officer (Accounts).
3. Smt. Flavia Fernandes, Receptionist-cum-Telephone Operator.
4. Ms. Nutan V. Govekar, Jr. Stenographer.
5. Shri Dayanand R. Chodankar, Assistant Grade-I.
6. Smt. Sunita R. Kalangutkar, Assistant Accountant.
7. Shri Rama V. Sarvankar, Supervisor.
8. Shri Roqué C. Pereira, Supervisor.
9. Shri Sadanand Shirodkar, Driver.
10. Shri Kanta Arondekar, Driver.
11. Shri Alirio A. P. S. Mendonca, Driver.
12. Shri Dinesh Pednekar, Attendant.
13. Shri Vinod Borkar, Attendant.
14. Shri Yeshwant Madkaikar, Attendant.

Sir/Madam,

The Goa Construction, Housing and Finance Corporation Ltd., has been established under the Company's Act, 1956 on 30th September, 1993 by the Government of Goa with the main objective to undertake housing, improvement, building scheme and other allied activities. The Board of Directors on the Corporation has been appointed by the Government from time to time.

Although the Corporation has been established eight years back, it is continuously incurring losses since 1995-96. The Corporation is not able to utilise its assets and fulfil its objectives for which it is created. It has not utilised the funds allotted for Low Income Housing by the Planning Commission and has transferred the same to other purposes. There is not much initiative taken by the Corporation Officials and Board of Directors to sell the flats or utilise the land in their possession to develop and sell. There is constant refrain of lack of funds because of not putting the fixed assets to proper use. The Comptroller and Auditor General of India has recommended the closure of this Corporation.

The Government therefore, has taken a decision to wind up the Corporation and transfer the housing schemes undertaken by it to the Goa Housing Board alongwith the assets and liabilities. Further, the Govenment has decided to retrench the existing staff of the Corporation by paying them retrenchment benefits under the provisions of Section 25 P, of the Industrial Dispute Act, 1947 i.e. to say by giving one months's notice wage in lieu of notice and payment of 45 days compensation (Basic+D.A.) for every year of continuous service. In addition to retrenchment compensation, the employees will get other benefits as admissible.

After the retrenchment of the staff they will be considered for fresh appointment against further vacancies with the Government of Goa, provided they fulfil all the requirements as per the relevant Recruitment Rules including age, educational qualifications and performance reports of good work and conduct during the previous service span. However, on fresh appointment, these employees will have to repay to the Government of Goa retrenchment benefits and payment released to them alongwith 10% interest.

You being one of such workmen, you are hereby retrenched from the services of the Corporation with immediate effect. Alongwith this letter, we are offering you one month's wage in lieu of notice and retrenchment compensation at the rate of 45 days wage (Basic + D.A.) for each year of continuous service.

Yours faithfully,

Sd/-
(K. A. Satardekar)
Managing Director

PARTICULARS OF DUES

1. Notice wage of one month in lieu of notice.
2. Retrenchment compensation at the rate of 45 days wage for each year of continuous service.
3. Encashment of Earned Leave for days.

LESS: Deductions towards loan and advances etc.

Net amount paid

ENCLOSURE:

cheque No. dated drawn on the Centurion Bank, Panaji Branch for Rs.

Department of Labour

Order

No. 28/7/2001-LAB

The following Award dated 29-8-2001 in Reference No. IT/5/94 given by the Industrial Tribunal, Panaji-Goa, is hereby published as required under the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

Charles D'Souza, Joint Secretary (Labour).

Panaji, 12th November, 2001.

IN THE INDUSTRIAL TRIBUNAL
GOVERNMENT OF GOA
AT PANAJI

(Before Shri Ajit J. Agni, Hon'ble Presiding Officer)

Ref. No. IT/5/94

Workmen rep. by
The President,
Federation of Goa Trade Union,
1st Floor, Mabai Building,
Margao-Goa. ... Workmen/Party I

v/s

M/s. Dalmia Resort International Pvt. Ltd.,
The Old Anchor, Mabor,
Cavelossim-Goa. ... Employer/Party II

Workmen/Party I - Represented by Shri Subhas Naik.

None present for Employer/Party II.

Panaji, dated: 29-8-2001.

AWARD

In exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) the Government of Goa by order dated 13-10-93 bearing No. 28/42/93-LAB referred the following dispute for adjudication by this Tribunal.

"Whether the action of the management of M/s. Dalmia Resorts International Pvt. Ltd., (The Old Anchor), Cavelossim, in dismissing the following workmen with effect from 15-9-92 is legal and justified ?

- (1) Shri Cruz Cardozo.
- (2) Shri Cruz Fernandes.
- (3) Shri Dominic Rodrigues.
- (4) Shri Aurelio D'Costa.

- (5) Shri Joaquim Mendes.
- (6) Shri Paul Cruz.
- (7) Shri Joseph Mascarenhas.

If not, to what relief each of the workman is entitled ?"

2. On receipt of the reference, a case was registered under No. IT/5/94 and registered A/D notice was issued to the parties. In pursuance to the said notice the parties put in their appearance. The Workmen/Party I (for short, 'union') filed the statement of claim which is at Exb. 3. The facts of the case in brief as stated by the union are that the Employer/Party II (for short, "employer") is a Five Star Hotel situated at Cavelossim beach, South Goa and that the said Hotel has around 300 employees. That in the year 1989 the employees formed an union by name "The Old Anchor Dalmia Resort Employees Union" and they became the members of the said union and the said union thereafter got itself affiliated to a federation of Trade Union's called, "The Federation of Goa Trade Union" having its office at Margao, Goa. That in or about February, 1992 the employer suspended Shri Joe Alphonso and Shri Joseph Mascarenhas, the employees of the employer. That Shri Alphonso was the General Secretary and Shri Mascarenhas was the Vice President of the Union and they were suspended without any valid reason based on a false complaint made by an employee. That the employees objected to the suspension of the said employees and the Federation gave notice to the employer to withdraw the suspension order failing which they would resort to strike on 23rd March, 1992 and since the employer did not withdraw the suspension order the employees went on strike from 23rd March, 1992 which lasted for about 18 days and was withdrawn as some understanding was arrived at between the employer and the employees that during the period when the employees had gone on strike the employer issued chargesheets to 41 workmen including the workmen who are the parties to the present reference and they were also suspended from service. That a settlement was arrived at the time of withdrawal of strike and the employer decided to withdraw suspensions as well as charge sheets issued to all the employees except 14 workmen and the employer decided to continue enquiries against the said 14 employees. That separate enquiries were held against the said 14 employees but subsequently the employer took back 7 more employees in service by withdrawing the suspension orders and dropping the charges but did not withdraw the suspension orders nor dropped the charges against the 7 workmen who are the parties to the present reference. That after completing the enquiry the employer terminated the services of the workmen who are the parties to the present reference. The union contended that the charge sheets issued to the workmen in the present reference are totally false and the said charge sheets were issued with a view to victimise them for participating in the agitation and the strike called by the union. The union contended that the enquiries conducted against the workmen was in violation of principles of natural justice and no sufficient opportunity

was given to them to defend themselves in the enquiry. The union contended that at the time of dismissing the workmen from service the employer did not take into account their past record which was clean. The union stated that the termination of service of the workmen by the employer w.e.f. 15-9-92 is illegal and unjustified and therefore they are entitled to be reinstated in service with full back wages and continuity in service.

3. The employer filed written statement which is at Exb. 5. By way of preliminary objections the employer stated that the reference is not maintainable because there is no industrial dispute as defined in Sec. 2K of Sec. 2A of the Industrial Disputes Act, 1947. The employer stated that on 13th March, 1992 Mr. Michael Francisco D'Souza, the Airport Representative of the employer was severally assaulted by Mr. Joseph Mascarenhas and Mr. Joe Nery Alphonso. That a complaint was lodged and on enquiry of the facts and circumstances of the case the said employees were placed under suspension pending issuing of charge sheets and holding an enquiry. That being aggrieved by the said suspension orders, some of the workers with the assistance of outsiders resorted to obstructing the managerial, supervisory and administrative staff and also by gathering at the gate of the hotel premises they stopped the vehicles of the guests, forced and compelled them to get down at the gate and they were threatened and intimidated. That the striking workers entered the hotel premises and compelled the willing employees to leave the hotel premises and as a result of riotous and disorderly atmosphere tension and fear prevailed in the hotel premises. That the striking workers also resorted to throwing stones at the guest's apartments in the hotel and the workmen who are the parties to the present reference were also among the said striking workers who were indulging in the above said illegal activities. That the employer therefore issued charge sheets to each of the employees and they were asked to submit their explanation and thereafter enquiry was held against each workmen individually and one Shri Prasad was appointed as the Inquiry Officer. That the enquiry was conducted by following the principles of natural justice and the workmen were given full opportunity to defend themselves in the enquiry. That on completion of the enquiry the I.O. submitted his findings to the disciplinary authority holding the workmen guilty of the charges levelled against them. That the disciplinary authority examined the report of the Inquiry Officer together with the records of the enquiry proceedings and other connected documents including the past record of the workmen. That since the charges were found to be proved were of grave and serious nature the only action warranted was that of dismissal of the workmen from service. The employer stated that the case of each and every workman was dealt with on its own merit and there was no discrimination. The employer denied that the services of the workmen were terminated by way of victimisation for their alleged trade union activities. The employer denied that the enquiry was held against the workmen

in violation of the principles of natural justice and that no proper opportunity was given to the workmen in defending themselves in the enquiry. The employer denied that the findings of the Inquiry Officer were perverse or the action of the employer of dismissing the workmen from service is illegal or unjustified. The employer stated that since the termination of the services of the workmen is legal and justified they are not entitled to any relief as claimed by them. Thereafter the union filed rejoinder at Exb. 6.

4. On the pleadings of the parties, following issues were framed at Exb. 7.

1. Whether the Party II proves that the reference is not maintainable for the reasons stated in para. 1(a) to 1 (d) of the Written Statement ?
2. Whether the Party I proves that the domestic enquiry held against the workmen is in violation of the principles of natural justice ?
3. Whether the charge of misconduct levelled against the workmen is proved to the satisfaction of the Tribunal by acceptable evidence".
4. Whether the Party I proves that the termination of the services of the workmen by the Party II w.e.f. 15-9-92 is illegal and unjustified ?
5. Whether Party I proves that the termination of services of the workmen by Party II is by way of victimisation for Trade Union activities ?
6. Whether the party I proves that the punishment of dismissal is disproportionate and unjust ?
7. Whether Party II proves that the dispute as regards workmen Shri Paul Cruz and Shri Joseph Mascarenhas does not exist and hence the reference as regards the said workmen is maintainable ?
8. Whether the workmen are entitled to any relief ?
9. What Award ?
5. The issue Nos. 1, 2 and 7 were tried as preliminary issues. The employer was earlier presented by Adv. Shri Bandodkar. However, he withdrew his appearance from the case on behalf of the employer after giving proper notice to the employer. Since none appeared on behalf of the employer inspite of the opportunities given, the evidence of the employer on preliminary issues was closed. After recording the evidence of the workmen this Tribunal by its findings dated 7-4-2000 held that the employer has failed to prove that the entire reference is not maintainable or that reference is not maintainable as against the workmen Paul Cruz and Joseph Mascarenhas and consequently the issue Nos. 1 and 7 were answered in the negative. By the same order this Tribunal also held that the domestic enquiry held against Shri Cruz Cardoz, Shri Cruz Fernandes, Shri Dominic Rodrigues, Shri Aurelio

D'Costa, Shri Joaquim Mendes, Shri Paul Cruz and Shri Joseph Mascarenhas is not fair and proper. The issue No. 2 was therefore answer in the affirmative and the enquiry conducted against the above said workmen was set aside. Thus the preliminary issue Nos. 1, 2 and 7 stood disposed off.

6. Since the enquiry was set aside the employer was given opportunity to prove the charges of misconduct against the workmen before this tribunal by leading evidence. However, the employer remained absent and did not avail of the opportunity given. This being the case the evidence of the employer was closed on 5-6-2000. Shri Subhas Naik representing the union submitted that he does not want to lead evidence on behalf of the workmen union.

7. My findings on the remaining issues are as follows:

Issue No. 3: Does not arise.

Issue No. 4: In the affirmative.

Issue No. 5: In the negative.

Issue No. 6: Does not arise.

Issue No. 8: As per para. 12 below.

Issue No. 9: As per order below.

REASONS

8. Issue No. 3: This issue is on the point whether the misconducts alleged against the workmen are proved by the employer by leading sufficient evidence in the enquiry. This issue was framed because the union had contended that the findings of the enquiry officer are perverse because they are not based on the evidence on record in the enquiry. The question of giving findings on this issue does not arise because the enquiry itself which was conducted against the workmen has been set aside. The findings on this issue would have required to be given only if it was held by this Tribunal that the enquiry conducted against the workmen is fair and proper. In the present case the enquiry has been set aside and consequently the findings of the enquiry officer which are based on the enquiry also stand set aside. This being the case the question of giving findings on the issue No. 3 does not arise and I hold so accordingly.

9. Issue No. 5: The burden was on the union to prove that the termination of service of the workmen by the employer is by way of victimisation for their trade union activities. The union had to prove this issue by leading sufficient evidence. However, inspite of the opportunity given the union has not led any evidence on this issue or for that matter except for the evidence on preliminary issues, the union has not led evidence on any other issues. Therefore in the absence of any evidence from the union it cannot be held that the termination of service of the workmen is by way of victimisation. In the circumstances I answer the issue No. 5 in the negative.

10. Issue No. 4: This issue pertains to the dismissal/termination of service of the workmen by the employer

w.e.f. 15-9-92. The contention of the union is that the dismissal/termination is illegal and unjustified. The employer dismissed the workmen from service on the ground that they had committed various acts of misconduct such as forcibly entering the factory premises, terrorising the staff, assaulting co-employee, damaging and destroying the property, threatening the loyal workers, instigating other workers not to report for duties etc., as can be seen from the charge sheets which are on record and according to the employer the said charges of misconduct were proved in the enquiry conducted against them, as per the findings given by the Inquiry Officer. As mentioned earlier, this Tribunal by findings dated 7-4-2000, set aside the enquiry conducted against the workmen and consequently the findings of the Inquiry Officer also stood set aside. The employer was given opportunity to prove the charges of misconduct against the workmen by leading evidence before this Tribunal. The employer however remained absent and consequently the evidence of the employer was closed on 5-6-2000. Thus there is no evidence from the employer before this Tribunal to prove the charges of misconduct against the workmen. The employer had dismissed the workmen from service because according to the employer, the workmen had committed various acts of misconduct. Now, since the charges of misconducts are themselves not proved, the dismissal/termination of service of the workmen becomes illegal and unjustified. In the circumstances, I hold that the union has succeeded in proving that termination of service of the workmen by the employer w.e.f. 15-9-92 is illegal and unjustified. I, therefore answer the issue No. 4 in the affirmative.

11. Issue No. 6: In my view the question of giving findings on this issue would have arisen if charges of misconduct levelled against the workmen were held to be proved. This is because whether the punishment imposed is disproportionate or unjust is related to the proved misconduct. In the present case the employer has not at all proved the charges of misconduct against the workmen. This being the case, the question of deciding whether the order of dismissal is disproportionate or unjust does not arise. It has been held by me that the termination of service of the workmen is illegal and unjustified. I, therefore answer the issue No. 6 accordingly.

12. Issue No. 8: This issue pertains to the relief to be granted to the workmen. It is well settled that once the termination is held to be illegal and unjustified, the normal rule is that the workmen is entitled to reinstatement in service with full back wages, unless there are reasons which do not warrant reinstatement or full back wages. In the present case charges of misconduct have not been proved against the workmen. It has been held by me that the dismissal/termination of service of the workman is illegal and unjustified. There is no evidence from the employer to show that the past record of the workmen was not good. There is also no

evidence on record to show that the workmen were or are in gainful employment after their dismissal from service. I, therefore do not find any reason to deviate from the normal rule stated above. In my view therefore, it is just and proper to award reinstatement to the workmen with full back wages. I, therefore hold that the workmen are entitled to reinstatement in service with full back wages.

Hence, I pass the following order.

ORDER

It is hereby held that the action of the management of M/s. Dalmia Resorts International Pvt. Ltd., (The Old Anchor), Cavelossim, in dismissing the workmen Shri Cruz Cardozo, Shri Cruz Fernandes, Shri Dominic Rodrigues, Shri Aurelio D'Costa, Shri Joaquim Mendes, Shri Paul Cruz and Shri Joseph Mascarenhas w.e.f 15-9-92 is illegal and unjustified. The said workmen are ordered to be reinstated in service with full back wages and other consequential benefits and continuity in service.

No order as to costs. Inform the Government accordingly.

Sd/-
(Ajit J. Agni),
Presiding Officer,
Industrial Tribunal.

Department of Personnel

Order

No. 2/1/2001-PER/Part file

Read: Order of even number dated 31-7-2002.

Appointment of Shri D. M. Katkar as Ombudsman is extended for another one year from 1-2-2003 to 31-1-2004 under Clause (b) of sub-rule (2) of Rule 3 of the Goa Government Employees (Redressal of Grievances Forum) Scheme, 2001, as amended.

By order and in the name of the Governor of Goa.

Vikas Mardolkar, Under Secretary (Personnel).

Panaji, 13th January, 2003.

Order

No. 15/1/99-PER-PART I

The following transfers/postings of the officers in the cadre of Mamlatdar/Joint Mamlatdar/Assistant Director of Civil Supplies are ordered with immediate effect, in public interest:-

| Sr. No. | Name of the officer and present posting | Posted on transfer |
|---------|--|---|
| 1 | 2 | 3 |
| 1. | Kum. Biju R. Naik, Jt. Mamlatdar, Tiswadi | Jt. Mamlatdar, Salcete. |
| 2. | Shri Prasad Lolenkar, Jt. Mamlatdar, Salcete | Mamlatdar, Salcete. |
| 3. | Shri Vinayak P. Volvoikar, Mamlatdar, Satari | Mamlatdar in Collectorate South. |
| 4. | Shri Surendra F. Naik, Jt. Mamlatdar, Satari | Mamlatdar, Satari. |
| 5. | Shri Prashant A. Mandrekar, Jt. Mamlatdar, Ponda | Jt. Mamlatdar, Satari. |
| 6. | Kum. Darshana D. Sawant, Mamlatdar in Collectorate South | Jt. Mamlatdar, Bicholim. |
| 7. | Shri Pradeep Shankar Naik, Jt. Mamlatdar, Bicholim | Chief Officer, Valpoi Municipal Council. |
| 8. | Shri Mahadev J. Araundekar, (New Appointee) | Jt. Mamlatdar, Tiswadi. |
| 9. | Shri Gaurish Jayant Shankhwalkar, (New Appointee) | Jt. Mamlatdar, Ponda. |

Shri Pradeep S. Naik, shall be on deputation and shall be governed by the standard terms of deputation as contained in this Department's Office Memorandum No. 13/4/74-PER dated 12-2-1999 and as amended.

By order and in the name of the Governor of Goa.

Vikas Mardolkar, Under Secretary (Personnel).

Panaji, 14th January, 2003.

Order

No. 15/2/80-PER(Part-II)

Read: Memorandum No. 15/2/80-PER(Part-II)
dated 5-12-2002.

On the recommendation of the Goa Public Service Commission as conveyed vide their letter No. COM/I/5/42(2)/97-99/Vol. IV dated 27-11-2002, Government of Goa is pleased to appoint the following candidates to the grade of Mamlatdar/Joint Mamlatdar/Assistant Director of Civil Supplies in the pay scale of Rs. 5500-175-9000 (Group 'B' Gazetted) with effect from the date of their joining, subject to verification of their character and antecedents:-

1. Shri Gaurish Jayant Shankhwalkar

2. Shri Mahadev J. Araundekar

2. The above appointees shall be on probation for a period of two years.

3. The above Officers shall be provided on the job training for a period of one year. The Collector, North Goa District shall personally supervise their training programme.

4. The above appointees have been declared medically fit by the Medical Board.

5. The pay and allowances of the above Officers shall be debited to the Budget Head controlled by the Collector, North Goa District.

By order and in the name of the Governor of Goa.

Vikas Mardolkar, Under Secretary (Personnel).

Panaji, 14th January, 2003.

Order

No. 6/4/91-PER/Part II

The Governor of Goa is pleased to order the transfer and posting of the following Officers in Junior Scale of Goa Civil Service, in public interest, with immediate effect:-

| Sr. No. | Name of the officer and present posting | Transferred and posted as |
|---------|--|---|
| 1 | 2 | 3 |
| 1. | Shri Prabhu A. Kenaudekar, Dy. Director (Admn.), Dte. of Animal Husb. & Vet. Services. | Under Secretary (Health). |
| 2. | Shri T. S. Sawant, Under Secretary (Health). | Special Land Aquisition Officer, PWD. |
| 3. | Shri Sunil P. Masurkar, Dy. Collector & S.D.O., North, Tiswadi. | Chief Officer, Ponda Municipal Council. |
| 4. | Shri Agnelo A. J. Fernandes, Dy. Collector & S.D.O., Ponda. | Dy. Director (Admn.), Dte. of Animal Husb. & Vet. Services. |
| 5. | Shri Ashok Redkar, Addl. Dy. Collector, (Rent Control), North. | Dy. Collector (Rev.) South. |
| 6. | Shri K. A. Nagvekar, Dy. Collector (Rev.), South. | Addl. Dy. Collector, (Rent Control), North. |
| 7. | Smt. Pushpalata Arlekar, Addl. Director of Municipal Admn. | Dy. Director of Admn., PWD. |
| 8. | Shri Joseph S. Monteiro, Dy. Dir. of Admn., PWD. | Addl. Director of Municipal Administration. |
| 9. | Shri V. Dangui, Dy. Director (Panchayats), South. | Dy. Director of Panchayats, North. |
| 10. | Smt. P. A. D'Souza, awaiting posting. | Dy. Controller, Home Guards and Civil Defence. |

| 1 | 2 | 3 |
|-----|---|--|
| 11. | Smt. N. S. Navti awaiting posting | Secretary, Goa Konkani Academy. |
| 12. | Shri L. S. Pereira, Spl. Land Acq., Officer, Gogol, Margao. | Dy. Director of Admn., Water Resources Department. |
| 13. | Shri Arvind Bugde, Forest Settlement Officer, North, HQ (Valpoi). | Dy. Collector & S.D.O., North, Tiswadi. |

Shri Agnelo Fernandes shall hold the charge of the post of Dy. Collector and S.D.O., Ponda, in addition to his own duties until further orders.

Shri Arvind Bugde shall hold the charges of the posts of Assistant Chief Electoral Officer, North and Forest Settlement Officer, North, HQ (Valpoi), in addition to his own duties until further orders.

Shri Netto D. F. Pereira, Forest Settlement Officer, North, HQ (Sanguem), shall hold the charge of the post of Dy. Director (Panchayats), South, in addition to his own duties until further orders.

Shri P. K. Velip Kankar, Dy. Collector & SDO Quepem, shall hold the charge of the post of Sp. Land Acquisition Officer, Gogol, Margao, in addition to his own duties until further orders.

Shri N. S. Navti, shall draw his own pay & allowances in the Junior Scale of Goa Civil Services while posted in Goa Konkani Academy.

The Officers at Sr. No. 3 and 11 shall be on deputation and shall be governed by the standard terms of deputation as contained in this Department's Office Memorandum No. 13/4/74-PER dated 12-2-1999 and as amended.

By order and in the name of the Governor of Goa.

D. M. Borkar, Joint Secretary (Personnel).

Panaji, 15th January, 2003.

♦ ♦ ♦

Department of Revenue

Notification

No. 22/65/2001-RD

Whereas by Government Notification No. 22/65/2001-RD dated 21-11-2001 published on pages 668 to 669 Series II, No. 37 of the Official Gazette, dated 13-12-2001 and in two newspapers (1) Navhind Times dated 30-11-2001 and (2) Tarun Bharat dated 14-12-2001 it was notified under section 4 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter referred to as "the said Act") that the land, specified in the Schedule appended to the said Notification (hereinafter referred to as the said land) was likely to be needed for the public purpose viz. Land Acquisition for construction of Tillari Irrigation Canal Net Work in Assonora village of Bardez Taluka.

And whereas, the Government of Goa (hereinafter referred to as "the Government") being of the opinion that the acquisition of the said land is urgently necessary, hereby applies the provisions of sub-section (1) and sub-section (4) of section 17 of the said Act and directs that the Collector appointed under paragraph 2 below, shall, at any time, on the expiry of fifteen days from the date of the publication of the notice relating to the said land under sub-section (1) of section 9 of the said Act, take possession of the said land.

Now, therefore, the Government hereby declares, under the provisions of section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government also hereby appoints, under clause (c) of section 3 of the said Act, the Special Land Acquisition Officer (North), Goa Tillari Irrigation Development Corporation, Karaswadda, Colvale, Bardez-Goa to perform the functions of a Collector for all proceedings hereinafter to be taken in respect of the said land, and directs him under section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the Office of the Special Land Acquisition Officer (North), Goa, Tillari Irrigation Development Corporation, Karaswadda, Colvale, Bardez-Goa till the award is made under section 11.

SCHEDULE

(Description of the said land)

Taluka: Bardez

Village: Assonora

| Survey No./ /Sub-Div. No. | Names of the persons believed to be interested | Approx. area in sq. mts. |
|------------------------------|--|-----------------------------|
| 1 | 2 | 3 |
| 101/2 | part O: Comunidade of Assonora. | 222 |
| 88/1 | part O: 1) Comunidade of Assonora. 2) Government of Goa. 3) Antonio Luis Pontes. 4) Rama Vithu Varak. | 78 |
| 88/2 | part O: 1) Ermelinda Mendonsa. 2) Candita Mendonsa. 3) Francisco Mendonsa. 4) Government of Goa. | 50 |
| 88/3 | part O: 1) Ufeam Goes. 2) Government of Goa. | 75 |
| 88/4 | part O: 1) Candita Mendonsa. 2) Government of Goa. | 110 |
| 88/5 | part O: 1) Lucy Mendonsa. 2) Caridade Mendonsa. 3) Government of Goa. | 100 |
| 88/6 | part O: 1) Joao Napoliao Mendonsa. 2) Government of Goa. | 90 |
| 88/7 | part O: 1) Luis Mario Castelina. 2) Government of Goa. | 85 |
| 88/8 | part O: 1) Xavier Fernandes. 2) Government of Goa. | 85 |
| 88/9 | part O: 1) Caridade Mendonsa. 2) Government of Goa. | 58 |

| 1 | 2 | 3 |
|-------|--|------|
| 88/10 | part O: 1) Joao M. Mendonsa. 2) Government of Goa. | 150. |
| 88/11 | part O: 1) Government of Goa. 2) Luis Bartolemeu Trindade. | 66 |
| 88/12 | part O: 1) Ubaldina Mendonsa. 2) Government of Goa. | 58 |
| 88/13 | part O: 1) Government of Goa. 2) Luis Bartolomeu Trindade. | 54 |
| 88/14 | part O: 1) Government of Goa. 2) Ricardina Leonora Pereira e Trindade. 3) Alberto Manuel Trindade. 4) Jose Victor Trindade. 5) Leo Joaquim Trindade. 6) Bartholomeo Luis Trindade. 7) Ligorio John Trindade. 8) Rita Elizabeth Trindade. | 92 |
| 88/15 | part O: 1) Government of Goa. 2) Vishnu Sakharam Malvankar. | 65 |
| 88/16 | part O: 1) Government of Goa. 2) Jose Victor Trindade alias Joseph Victor Trindade. | 50 |
| 88/17 | part O: 1) Smita Chandrakant Lotlikar. 2) Government of Goa. | 75 |
| 88/18 | part O: 1) Smita Chandrakant Lotlikar. 2) Government of Goa. | 37 |
| 88/19 | part O: 1) Government of Goa. 2) Ricardina Leonora Pereira e Trindade. 3) Alberto Manuel Trindade. 4) Jose Victor Trindade. 5) Leo Joaquim Trindade. 6) Bartolomou Luis Trindade. 7) Ligorio John Trindade. 8) Rita Elizabeth Trindade. | 33 |
| 88/20 | part O: 1) Smita Chandrakant Lotlikar. 2) Government of Goa. | 42 |
| 88/21 | part O: Government of Goa. | 35 |

Boundaries:

North : S. No. 101/2.
 South : Area already acquired
 (S. No. 88/1 to 88/21)
 East : Road.
 West : Area acquired,
 S. No. 88/1 & 2.

Total : 1710

By order and in the name of the Governor of Goa.
C. D. Gawade, Under Secretary (Revenue).
Panaji, 13th January, 2003.

Notification

No. 22/46/2001-RD

Whereas by Government Notification No. 22/46/2001-RD dated 16-10-2001 published on pages 588 to 589 of

Series II, No. 30 of the Official Gazette, dated 31-10-2001 and in two newspapers (1) Gomantak Times dated 23-10-2001 (2) Gomantak dated 24-10-2001 it was notified under section 4 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter referred to as "the said Act") that the land specified in the Schedule appended to the said Notification was likely to be needed for the public purpose viz. for Development of a Village School playground at Durbhat, Ponda.

And whereas, the Government of Goa (hereinafter referred to as "the Government") after considering the report made under sub-section (2) of section 5A of the said Act is satisfied that the land specified in the Schedule hereto is needed for the public purpose specified above (hereinafter referred to "the said land").

Now, therefore, the Government hereby declares, under section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government also appoints, under clause (c) of section 3 of the said Act, the Deputy Collector/S.D.O., Ponda to perform the functions of a Collector for all proceedings hereinafter to be taken in respect of the said land, and directs him under section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the Office of the said Deputy Collector/S.D.O., Ponda till the award is made under section 11.

SCHEDULE

(Description of the said land)

Taluka: Ponda

Village: Durbhat

| Survey No./ Names of the persons believed /Sub-Div. No. | to be interested | Appx. area in sq. mts. |
|---|------------------|------------------------|
| 1 | 2 | 3 |

11/9 part O: Krishnanath Narcinva Naik. 7450
 Umesh Ramchandra Pai.
 Tulsibai Nagnath Khote.
 Vasant Anant Bhandari.
 Mamcabai Venkatesh Bhandari.
 Prabhakar Venkatesh Bhandari.

Boundaries

North : S. No. 11/7, 8, 10 to 14 & 16.

South : S. No. 11/9.

East : (Zuari) River.

West : S. No. 11/9.

Total: 7450

By order and in the name of the Governor of Goa.

C. D. Gawade, Under Secretary (Revenue).

Panaji, 14th January, 2003.

Notification

No. 22/55/2000-RD

Whereas by Government Notification No. 22/55/2000-RD dated 26-7-2002 published on pages 425 to 426 of Series II, No. 19 of the Official Gazette dated 8-8-2002 and in two Newspapers (1) Sunaparant dated 1-8-2002 (2) Gomantak Times dated 1-8-2002, it was notified under Section 6 of the Land Acquisition Act, 1894 (hereinafter referred to as the "said Act") that the land specified in the Schedule appended to the said Notification (hereinafter referred to as the "said land"), was needed for the public purpose viz. for construction and B/T of road at Pazorconi in 1.6 kms at Cuncolim (Addl. area).

And whereas, in the opinion of the appropriate Government (hereinafter referred to as the "Government") the said land is not required for the aforesaid purpose.

Now, therefore, the Government is pleased to declare under sub-section (1) of section 48 of the said Act that it has withdrawn from acquisition of the said Land for the aforesaid public purpose and that the aforesaid Government Notification shall be deemed to be cancelled so far as it relates to the said land. The persons interested in the said land, may lodge to the Deputy Collector (LA), Margao, within a period of thirty days from the date of this Notification claims under sub-section (2) of section 48 of the said Act, for the damages suffered by them in consequence of the notice or of any proceedings thereunder and for costs reasonably incurred by them in prosecution of the proceedings under the said Act relating to the said land.

A plan of the land, shall be available for inspection in the office of the Deputy Collector L. A., Margao for a period of thirty days from the date of this Notification.

By order and in the name of the Governor of Goa.

C. D. Gawade, Under Secretary (Revenue).

Panaji, 14th January, 2003.

Notification

No. 22/70/2002-RD

Whereas it appears to the Government of Goa (hereinafter referred to as "the Government") that the land specified in the Schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. Land acquisition for the construction of road from Shri Sakha Nanda Malik's house to Shri Gurudas Ekwade house at Deulwada Cudnem in Bicholim Taluka.

Now, therefore, the Government hereby notifies, under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contract for the disposal of the said land by sale, lease, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the

sanction of the Collector appointed under paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of Section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under section 6 of the said Act will be published in the Official Gazette and in two daily newspapers and public notice thereof shall be given in due course. If the acquisition is abandoned wholly or in part, the fact will also be notified in the same manner.

4. The Government further appoints, under clause (c) of section 3 of the said Act, the Deputy Collector & S.D.O., Bicholim to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government also authorises under sub-section (2) of section 4 of the said Act, the following Officers to do the Acts, specified therein in respect of the said land.

1. The Collector, North Goa District, Panaji.
2. The Deputy Collector & S.D.O., Bicholim.
3. The Block Development Officer, Bicholim-Goa.
4. The Director of Settlement & Land Records, Panaji-Goa.

6. A rough plan of the said land is available for inspection in the Office of the Deputy Collector & S.D.O., Bicholim for a period of 30 days from the date of publication of this notification in the Official Gazette.

SCHEDULE

(Description of the said land)

Taluka: Bicholim

Village: Cudnem

| Survey No./ Sub Div. No. | Names of the persons believed to be interested | Approx. area in sq. mts. |
|-----------------------------|---|-----------------------------|
| 1 | 2 | 3 |
| 2/42 part | O: Yeshwant B. Jalmi, Sada Jalmi. Shambulo V. Jalmi. Shankar Y. Jalmi. Babalo B. Jalmi. Anant G. Jalmi. Narayan P. Jalmi. Vinayak N. Borkar. | 275 |
| 2/43 part | O: Nanda S. Malik. | 625 |
| | Boundaries: | |
| | North : S. No. 2/43, 2/42. South : Road. East : S. No. 1/26, 2/43. West : S. No. 2/42 & 2/43. | |
| | | Total: 900 |

By order and in the name of the Governor of Goa.

C. D. Gawade, Under Secretary (Revenue).

Panaji, 16th January, 2003.

Department of Water Resources

Office of the Chief Engineer

Notification

No. 19-2/CE-W.R.D./EO/846

Read: Notification No. 19-2/Ce-Irrg/EO/837 dated 4-1-2001.

In exercise of the powers under sub-section (3) of Section (4) of Goa Tillari Irrigation Development Corporation Act, 1999 (6 of 1999) Government of Goa is pleased to terminate the term of the Office as Director of the following Non-Official Directors of the Goa Tillari Irrigation Development Corporation with immediate effect.

1. Shri Shripad Parab, ... Director
Vernoda.
2. Shri Bal Alias Prataprao Rane, ... Director
Dodamarg.
3. Shri Sadanand Shet Tanawade, ... Director
Pirna.

By order and in the name of the Governor of Goa.

S. D. Sayanak, Chief Engineer (WRD) and Ex-Officio Additional Secretary.

Panaji, 16th January, 2003.

Notification

No. 19-2/CE-W.R.D./EO/847

Read: 1) Notification No. 19-2/CE-Irrg/EO/435 dated 24-2-2000.
2) Notification No. 19-2/CE-W.R.D./EO/846 dated 16-1-2003.

In exercise of the powers under Section (1) of Section (4) of Goa Tillari Irrigation Development Corporation Act, 1999 (6 of 1999) Government of Goa is pleased to appoint the following members as Non-Official Directors of the Corporation in place of the Directors whose appointment has been terminated vide Notification at 2 above. This will come into force with immediate effect.

1. Shri Sadanand Shet Tanawade, ... Director
M.L.A., Pirna.
2. Shri Pradeep Tirodkar, ... Director
Darbarwada, Bordem,
Bicholim-Goa.
3. Shri Rama Sawal Desai, ... Director
Sawalwada, Pedne-Goa.

Rest other Directors and conditions mentioned in the Notification at Sr. No. 1 above remain unchanged.

By order and in the name of the Governor of Goa.

S. D. Sayanak, Chief Engineer (WRD) and Ex-Officio Additional Secretary.

Panaji, 16th January, 2003.